



February 6, 2015

SENATE BILL No. 90

DIGEST OF SB 90 (Updated February 4, 2015 11:26 am - DI 106)

Citations Affected: IC 5-2.

Synopsis: Address confidentiality. Establishes an address confidentiality program for law enforcement officials.

Effective: July 1, 2015.

Steele

January 6, 2015, read first time and referred to Committee on Rules & Legislative Procedure.

January 27, 2015, amended; reassigned to Committee on Judiciary.

February 5, 2015, amended, reported favorably — Do Pass.

SB 90—LS 6188/DI 13



February 6, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 90

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-21 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:

4 **Chapter 21. Address Confidentiality Program**

5 **Sec. 1. The following definitions apply throughout this chapter:**

6 (1) "Law enforcement official" means:

7 (A) a police officer (including a correctional police officer),
8 sheriff, constable, marshal, prosecuting attorney, special
9 prosecuting attorney, special deputy prosecuting attorney,
10 the securities commissioner, or the inspector general;

11 (B) a deputy of any of those persons;

12 (C) an investigator for a prosecuting attorney or for the
13 inspector general;

14 (D) a conservation officer;

15 (E) an enforcement officer of the alcohol and tobacco
16 commission;

SB 90—LS 6188/DI 13



(F) an enforcement officer of the securities division of the office of the secretary of state;

(G) a gaming agent employed under IC 4-33-4.5 or a gaming control officer employed by the gaming control division under IC 4-33-20;

(H) a federal enforcement officer;

(I) a school resource officer (as defined in IC 20-26-18.2-1) and a school corporation police officer appointed under IC 20-26-16; and

(J) a judicial officer, including a judge, magistrate, judicial referee, master commissioner, and probate commissioner.

(2) "Law enforcement official's home address" or "home address" means the:

(A) residential address and telephone number of a law enforcement official;

(B) residential address and telephone number of a household member of the law enforcement official who resides with the law enforcement official; and

(C) residential address and telephone number of a child or stepchild of the law enforcement official who:

(i) is attending; or

(ii) has attended within the previous year;

an approved postsecondary educational institution (as defined in IC 21-7-13-6(a)).

(3) "Person" has the meaning set forth in IC 34-6-2-103(b).

(4) "Public agency" has the meaning set forth in IC 5-14-3-2.

(5) "Third party confidentiality provider" means a third party that applies for address confidentiality on behalf of a law enforcement official under the terms of an agreement with the law enforcement official or the agency employing the law enforcement official.

Sec. 2. (a) A law enforcement official may require a public agency to keep the official's home address confidential by submitting an application for address confidentiality to the agency:

(1) directly; or

(2) through a third party confidentiality provider, as described in section 8 of this chapter.

(b) A law enforcement official who submits an application for address confidentiality on the official's own behalf shall complete the application under penalties for perjury.

(c) A third party confidentiality provider shall verify a person's status as a law enforcement official in accordance with section 8 of



1 this chapter before submitting an application for address
2 confidentiality on behalf of that person.

3 Sec. 3. (a) Except as provided in subsection (b), notwithstanding
4 any other statute or rule, not later than ten (10) days after receipt
5 of an application for address confidentiality, a public agency may
6 not disclose a law enforcement official's home address.

7 (b) A public agency may disclose a law enforcement official's
8 home address under the following circumstances:

9 (1) A public agency shall disclose a law enforcement official's
10 home address to a specific person if directed to do so by a
11 court order.

12 (2) A public agency shall disclose a law enforcement official's
13 home address to a law enforcement agency if requested to do
14 so by the law enforcement agency.

15 (3) A public agency shall disclose a law enforcement official's
16 home address to a financial institution or title company if
17 requested to do so by a title company or financial institution
18 for a bona fide business purpose.

19 (4) If a law enforcement official provides the public agency
20 with a written request to disclose the law enforcement
21 official's home address, a public agency shall disclose the law
22 enforcement official's home address in accordance with the
23 terms of the written request.

24 (c) If necessary to comply with this chapter, a public agency
25 shall redact records containing a law enforcement official's home
26 address.

27 Sec. 4. (a) At the time a law enforcement official submits an
28 application for address confidentiality, or at any time thereafter,
29 the law enforcement official may request that the public agency
30 substitute the official's post office box address for the home
31 address of the law enforcement official.

32 (b) Notwithstanding any other statute or rule, not later than ten
33 (10) days after receipt of a request for address substitution, a
34 public agency shall use the law enforcement official's post office
35 box address instead of the official's home address on any:

- 36 (1) application;
- 37 (2) identification card;
- 38 (3) license;
- 39 (4) certificate;
- 40 (5) permit;
- 41 (6) tag; or
- 42 (7) similar document;



1 issued by the public agency to the law enforcement official or a
 2 household member of the law enforcement official who resides with
 3 the law enforcement official.

4 Sec. 5. (a) Except as provided in section 6 of this chapter, a
 5 public agency that has received an application for address
 6 confidentiality shall provide address confidentiality for a period of
 7 four (4) years.

8 (b) A law enforcement official may submit a new application for
 9 address confidentiality not earlier than six (6) months before the
 10 expiration of the current four (4) year period.

11 (c) Upon receipt of a new application, the public agency shall
 12 extend the address confidentiality period for an additional four (4)
 13 years.

14 Sec. 6. (a) A person is no longer eligible for address
 15 confidentiality under this chapter if the person:

- 16 (1) is no longer a law enforcement official;
- 17 (2) is no longer a household member of a law enforcement
 18 official who resides with the law enforcement official; or
- 19 (3) for a child or stepchild of the law enforcement official, if
 20 the child or stepchild:

21 (A) is no longer a household member of a law enforcement
 22 official who resides with the law enforcement official; and

23 (B) has not attended an approved postsecondary
 24 educational institution (as defined in IC 21-7-13-6(a))
 25 within the previous year.

26 (b) Not later than thirty (30) days after an event described in
 27 subsection (a) occurs, the:

- 28 (1) law enforcement official or former law enforcement
 29 official, if the person applied for address confidentiality on the
 30 person's own behalf; or
- 31 (2) third party confidentiality provider;

32 shall notify in writing every public agency providing address
 33 confidentiality that the person is no longer eligible for address
 34 confidentiality.

35 (c) If a law enforcement official changes employment but
 36 remains a law enforcement official, the:

- 37 (1) official, if the official applied for confidentiality on the
 38 official's own behalf; or
- 39 (2) third party confidentiality provider;

40 shall, not later than thirty (30) days after the official changes
 41 employment, submit a new application to every public agency
 42 providing address confidentiality.



1 **Sec. 7. (a) This chapter does not prevent a public agency from**
2 **obtaining the home address of a law enforcement official.**

3 **(b) A law enforcement official who has submitted an application**
4 **for address confidentiality shall provide the official's current home**
5 **address to the agency employing the law enforcement official.**

6 **Sec. 8. (a) A law enforcement official or an agency employing a**
7 **law enforcement official may contract with a third party**
8 **confidentiality provider to apply for address confidentiality on**
9 **behalf of:**

10 **(1) the law enforcement official, if the official contracts as an**
11 **individual with the third party confidentiality provider; or**

12 **(2) one (1) or more law enforcement officials employed by an**
13 **agency, if the agency contracts with the third party**
14 **confidentiality provider.**

15 **(b) If a third party confidentiality provider contracts with an**
16 **individual law enforcement official, the provider shall verify that**
17 **the individual is a law enforcement official before submitting an**
18 **application on the individual's behalf. If a third party**
19 **confidentiality provider contracts with an agency, no additional**
20 **verification of the information by the agency is necessary.**

21 **(c) The agreement between the third party confidentiality**
22 **provider and an individual or agency shall require the individual**
23 **or agency to timely notify the provider if:**

24 **(1) the individual becomes ineligible to participate in an**
25 **address confidentiality program; or**

26 **(2) the individual changes employment but remains a law**
27 **enforcement official.**

28 **Sec. 9. (a) A public agency may not charge a fee for**
29 **participation in the address confidentiality program.**

30 **(b) A public agency may adopt rules under IC 4-22-2 to**
31 **implement this chapter.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 90, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 90 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 90, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 30, delete "business address of the agency employing the official" and insert "**official's post office box address**".

Page 3, line 34, delete "business address of the agency" and insert "**law enforcement official's post office box address**".

Page 3, line 35, delete "**employing the law enforcement official**".
and when so amended that said bill do pass.

(Reference is to SB 90 as printed January 28, 2015.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

SB 90—LS 6188/DI 13

